GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

PUBLIC SERVICES - Prohibition & Excise Department – Trap Case registered against Sri. T.S.R.V. Prasad, Prohibition & Excise Inspector, Prohibition & Excise Station, Tenali and Sri. M. Shiva Prasad, Excise Constable, Prohibition & Excise Station, Tenali – Convicted by the Court of Special Judge for SPE and ACB Cases, Vijayawada in C.C.No.2 of 1997 - Dismissal from Public Service - Conviction set-aside by the Hon'ble High Court - Hon'ble APAT orders in O.A.No.967/2014 – Request for regularization of suspension and dismissal period as on duty – Orders – Issued

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REVENUE (VIGILANCE.IV) DEPARTMENT

G.O.Rt.No.997 Dated: 26.07.2018.

Read the following:-

Ref: 1) Final Report from the D.G, ACB, Hyderabad, Rc.No.60/RCT-VGT /96, dated:1.8.1996.
2) G.O.Ms.No.15, Rev (Excise.I) Department, dated:4-1-1997.
3) G.O.Ms.No.16, Rev (Excise.I) Department, dated:4-1-1997.
4) Judgment dated:27.6.2002 of the Spl. Judge for SPE & ACB cases, Vijayawada received from the D.G, ACB, Hyderabad., C.No.60/RCT-VGT/96, dated:17.7.2002.
5) Proceedings of the Deputy Commissioner of Prohibition & Excise, Guntur, Rc.No.818/96/A1, dated:30-07-2002.
6) Application received from Sri. T.S.R.V. Prasad, Former Prohibition & Excise Inspector, Guntur Division, Dated: 05.07.2012. (along with the Judgment copy of the Hon'ble High Court, dated:19.03.2012)
7) Application received from Sri. M.Siva Prasad, Former Prohibition & Excise Constable, Guntur Division, Dated:05.07.2012. (along with the Judgment copy of the Hon'ble High Court, dated:19.03.2012)
8) Government Memo.No.31863/Vig.V(1)/2012-1, Rev (Vig.V) Dept., dated 27.09.2012.
9) Application received from Sri. T.S.R.V. Prasad, Former Prohibition & Excise Inspector, Guntur Division., Dated: 12.09.2017. (along with the Judgment copy of the Hon'ble APAT, in O.A.No.967/2014 dated:05.06.2017)

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ORDER:

In the reference 1st read above, the Anti Corruption Bureau authorities registered a trap case against Sri. T.S.R.V. Prasad, Prohibition & Excise Inspector and Sri. M. Shiva Prasad, Prohibition & Excise Constable on 2-5-1996, when they demanded and accepted the bribe for not including the name of the proprietor of M/s Krishna Spices Private Limited as an accused in a liquor transportation case involving scooter bearing No. AP 7A 3651. Based on the final report of Director General, Anti Corruption Bureau, Government have issued sanction orders for prosecution of both the Accused Officers in a Court of Law.

(P.T.O.)

2) The Hon'ble Spl. Judge for SPE & ACB cases, Vijayawada, in its order fourth read above, convicted both the Accused Officers.

3) Consequent to their conviction, the Deputy Commissioner of Prohibition & Excise, Guntur has dismissed both the Accused Officers from Government Service vide his proceedings fifth read above.

4) Aggrieved by the dismissal orders, both the individuals filed Criminal Appeal No. 755 (Sri.T.S.R.V. Prasad) and 756 (Sri. M.Siva Prasad) of 2002 in the Hon'ble High Court.

5) The Hon'ble High Court, in its common judgement dated 19.03.2012 in Criminal Appeals No. 755 and 756 of 2002, set aside the conviction and sentence imposed on the appellants by the Spl. Judge for SPE & ACB Cases, Vijayawada in C.C.No.2 of 1997 and they are acquitted from the charges leveled against them. Both the individuals have therefore requested the Government to drop further action against them and reinstate them into Service with all consequential benefits.

6) Government, after careful examination of the matter in detail, reinstated both the AOs viz., Sri. T.S.R.V. Prasad, Prohibition & Excise Inspector (under dismissal), Guntur Division and Sri. M.Siva Prasad, Prohibition & Excise Constable (under dismissal), Guntur Division into Government Service. The period under dismissal till reinstatement shall be treated as 'not on duty'. The two individuals will not be entitled to pay and allowances except subsistence allowance during the said period but it shall count for notional increments, pay fixation, leave, qualifying service for promotion etc., vide reference 8th read above.

7) Now, Sri T.S.R.V.Prasad, while enclosing the Hon'ble Andhra Pradesh Administrative Tribunal Orders in O.A.No. 967/2014 dated: 05.06.2017 requested the Government for regularization of suspension and dismissal period as on duty as he was fully exonerated by the Hon'ble High Court in Criminal Appeal No.755/2002, dated 19.03.2012.

8) The Hon'ble Andhra Pradesh Administrative Tribunal Orders in its order dated 05.06.2017, issued the following orders

> *"In the result, the Original Application is disposed of giving liberty to the applicants 1 and 2 to make applications/representations to the Government for reconsideration of the decision relating to depriving them of their pay and allowances during the dismissal period except subsistence allowance; in which event the Government may reconsider and pass appropriate order as per law. Miscellaneous Application is dismissed".*

9) Government, after careful examination of the matter, have decided to regularize the period of suspension and dismissal of Sri T.S.R.V.Prasad, Prohibition & Excise Inspector (Retired) till the reinstatement into service as "on duty" Under Sub Rule (3) of AP Fundamental Rule 54-B as he was acquitted by the Hon'ble High Court, Andhra Pradesh, Hyderabad.

(Contd..3)

10) Accordingly, Government hereby regularize the period of suspension and dismissal of Sri T.S.R.V.Prasad, Prohibition & Excise Inspector (Retired) till the reinstatement into service as “on duty” under Sub Rule (3) of AP Fundamental Rule 54-B and pay, full pay and allowances under Provisions in FR 54(2) and FR 54(3).

11) The Commissioner of Prohibition and Excise, Andhra Pradesh, Vijayawada shall take further necessary action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

D.SAMBASIAVA RAO,
SPECIAL CHIEF SECRETARY TO GOVERNMENT.

To
Sri T.S.R.V.Prasad, Prohibition & Excise Inspector (Retired) through the Commissioner of Prohibition and Excise, Andhra Pradesh, Vijayawada with a request to serve the orders on the above individual and furnish the served copy to Government for record).
The Commissioner of Prohibition & Excise, Andhra Pradesh, Vijayawada.
The Deputy Commissioner of Prohibition & Excise, Guntur District.
Copy to :
The Director General, Anti Corruption Bureau, Andhra Pradesh, Vijayawada.
The Secretary, A.P. Vigilance Commission, A.P.Secretariat, Velagapudi, Guntur District.
Sc/Sfs.

// forwarded :: by order //

SECTION OFFICER